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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,413	03/21/2001	Larry Davis	56139998-2	2395
26453	7590	04/08/2004	EXAMINER	
BAKER & MCKENZIE 805 THIRD AVENUE NEW YORK, NY 10022			BRAHAN, THOMAS J	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,413

Applicant(s)

DAVIS, LARRY

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-25 is/are pending in the application.
- 4a) Of the above claim(s) 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 15, 19-21 and 25 is/are rejected.
- 7) ☒ Claim(s) 9-14 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 19.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 22-24 remain withdrawn from consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made without traverse in Paper No. 8.

2. The inventorship for the application has been changed as to have Larry Davis as the sole inventor, as per the papers filed November 24, 2003.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tamburini. Tamburini shows a tower crane device comprising:

a basket (6) supporting a tower crane (1); and

a plurality of support stubs (12) with each support stub attached to one of a plurality of respective vertical columns (2) of a structure under construction, wherein the basket rests on the support stubs.

The basket includes a plurality of outriggers (8 and their control devices, see column 3, lines 55-62) attached to the basket and spaced apart from each other and supported by a support stub, as recited in claims 2 and 4. Tamburini has a plurality of clamps (catches 11) securing the basket to the support stubs, as recited in claim 3. The support stubs are shown as angled members, see figures 11 and 12, with first vertical member and a second horizontal member, as recited in claim 5. Tamburini has a second basket (7) which slides with respect to the tower (3) and is supported on additional support stubs, as recited in claim 8. Both of the outriggers have a foot (8) as recited in claim 15.

5. Claims 1, 2, 7, 19, and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by James et al (cited by applicant). James et al shows a tower crane device comprising:

a basket (24) supporting a tower crane (16); and

a plurality of support stubs (42) with each support stub attached to one of a plurality of respective vertical columns (12) of a structure under construction, wherein the basket rests on the support stubs.

The basket includes a plurality of outriggers (44) attached to the basket and spaced apart from each other and supported by a support stub, as recited in claim 2. The basket has an upper frame (47, 47), a larger outer frame (32, 36, 38) and arms (46) coupling the upper frame to the lower frame, as recited in claim 7. Pins (40) are foots which rest on the stubs in compression, as recited in claim 19. James et al has an upper basket (26) slidably coupled to the tower crane, and mounted on support stubs, as recited in claim 20.

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6. Claims 1, 2, 4, 5, 8, 15, 19-21 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Cannella. Figure 15 of Cannella shows a tower crane device comprising a basket (620) supporting a tower crane, and a plurality of support stubs (645A-D) with each support stub attached to one of a plurality of respective vertical columns (646A-D) of a structure under construction, wherein the basket rests on the support stubs. The basket includes a four of outriggers each with a foot (635A-D) resting on a support stub, as recited in claims 2, 4, and 15. The support stubs have a vertical member (648) and a horizontal member (650) at a right angle thereto, as recited in claims 5 and 25. The outriggers support a cage which supports a moving platform supporting the tower crane (see cage 25 and moving platform 20 of figure 4, or cage 725 and moving platform of 720 of figure 16). Each of the levels of outriggers on the cage are baskets which are slidably connected with respect to the tower of the tower crane mounted on the platform, as recited in claims 8 and 20. The platforms are on which the crane and its tower are mounted, see figure 4. Figure 16 shows a tower crane with a basket (720 or 725) with outriggers having feet extending into holes (715) in two concrete structures (710 and 712), as recited in claim 21.

7. Claims 1, 2, 4, and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Reed. Reed shows a tower crane device comprising a basket (34) supporting a tower crane (32), and a plurality of support stubs (pins 46, 48 and 52) with each support stub attached to one of a plurality of respective vertical columns (40, 42) of a structure under construction, wherein the basket rests on the support stubs. The basket includes four outriggers (36, 36A and two unlabeled) with outrigger feet (50, 50A and two unlabeled) as recited in claims 2, 4 and 19.

8. Claims 9-14 and 16-18 are objected to as depending from a rejected claims but would be allowable if rewritten in independent form including all of the limitations of the base claim and the intervening claims.

9. Applicant's proposed drawing corrections filed November 24, 2003 have been approved. As allowable claims have been indicated above, applicant should file formal drawings in response to this action to avoid delays at allowance.

10. Applicant's remarks in the amendment after final entered with the RCE have been considered, but are deemed moot in view of the above new rejections. An inquiry concerning this communication should be directed to Thomas J. Brahan at telephone number (703) 308-2568. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for all patent applications is (703) 872-9306.


Thomas J. Brahan
Primary Examiner
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